IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 34834 of 2007(V)

CMA.11/2007 OF SUB COURT,KOTTARAKKARA,
OS.258/2003 OF MUNSIFF COURT, PUNALUR.
(EP.12/2007)
.....

PETITIONER:

ISMAIL, SANJAYA MANZIL,
THEVARUKUNNU, EDAMON VILLAGE,
PATHANAPURAM TALUK - 691 307.

BY ADV. SRI.B.KRISHNA MANI.

RESPONDENT:

MUHAMMED RAFFI, MABROOK MANZIL,
EDAMON VILLAGE, PATHANAPURAM TALUK.
- 691307.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 34834 OF 2007

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Dated this the 29th day of November, 2007.

J U D G M E N T

This writ petition is filed with a prayer to the Subordinate Judge, Kottarakkara to dispose of Ext.P4 forthwith and to direct the Munsiff Court, Punalur not to proceed with the execution of the decree in C.S.258/03. The writ petitioner suffered an exparte decree and moved an application for setting aside the exparte decree which was dismissed by the trial court. Thereafter, he has filed a CMA before the Subordinate Judge which has been numbered as 11/07. Along with the CMA he had also filed an application for stay of all further proceedings in EP 12/07 in C.S.258/03. The CMA has been filed on the 14th day of November, 2007 and the stay application is pending consideration on that Court. There is some force in the contention of the writ petitioner that the Court has to give him some breathing time to move the Court and obtain an order. Therefore, the

writ petition is disposed of directing the Subordinate Judge, Kottarakkara to dispose of Ext.P4 as expeditiously as possible at any rate within a period of one month from today and the executing Court is directed to defer the execution proceedings in C.S.258/03 for a period of six weeks.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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